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Atty. Docket No.: D5396

### **REMARKS**

Reconsideration of this application as amended is requested. Claims 1-23 are in this application. Claims 1-5 and 9-14 are canceled. Claims 20-23 are added. The applicant amends claims 6, 16 and 17. The amendments of claim 6 is found in the specification at paragraph [0019] and Figs. 1 and 2. The amendment of claim 16 is found in the specification and Figs. 3 and 5. The amendment of claim 17 is found in the specification at paragraph [0021].

No new issue is believed raised by the amendments as they are thought to better distinguish the applicant's invention from the cited art. The applicant respectfully requests the examiner consider any amendment and these remarks and allow the claims. The applicant also incorporates herein the previous Remarks made in response to any previous Office Action into these Remarks.

The examiner has rejected claims 16-19 under 35 U.S.C. §112, second paragraph stating the limitation of "a seat frame having a support column" was indefinite.

The applicant has amended claims 16-19 to state: "a support column being located within the seat back". The claims are now thought no longer indefinite.

In the previous response, the examiner stated that the applicant's previous arguments were fully considered but not persuasive. The examiner stated that there was no structure in the claims to prevent module receiver 20 from being considered part of the seat frame. P. 7. The examiner also stated that there was no structure regarding the location or orientation of the support column in the claims.

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As discussed in a previous Amendment, the examiner may give applicant's claims their broadest reasonable meaning. The examiner, however, must apply to the words their ordinary usage as they would be understood by one of ordinary skill in the art. *In re Morris*, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). The examiner's interpretation of claim terms should not be so broad that it conflicts with the meaning given to identical terms in other patents from analogous art. *In re Cortright*, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999).

In the examiner's remarks, the examiner considers a bin analogous to a skeletal seat frame as taught in the analogous art. This interpretation is so broad as it conflicts with both the common definition and the previously presented analogous art. As discussed in previous responses and incorporated herein by reference, this interpretation is outside of the meaning of the term "frame" when applied to a seat back frame follows the meaning readily known to a person of ordinary skill in the art.

In addition, the term "column" is a common word with which one skilled in the art for motor vehicle seats would be readily familiar. A column is "any column-like object" or "a rigid, relatively slender upright support". Exhibit A.

Based on the definition of "column" as well as "frame" discussed previously, the examiner's interpretation of the terms "seat frame" and "column" to include a mounted bin is an unreasonable interpretation of the claims. The examiner's interpretation conflicts with the meaning of a seat frame and column as found in the art. The bin-like module receiver is neither a slender, upright support nor a skeletal structure of the seat back and therefore cannot be considered a column. One of ordinary skill in the art

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would not consider a seat frame 42 with a bin attached to it to be a "seat frame" or "support column" as proposed by the examiner.

The examiner also quoted the limitation "tongues extending outwardly from the inner wall" and stated: "the phrase 'from the inner wall' does not require the tongues to be attached to the inner wall." The examiner earlier in his Remarks interpreted a threaded bolt extending through a hole in the wall as extending from an inner wall.

The examiner's interpretation of the limitation "tongues extending outwardly from the inner wall" is unreasonable. While an examiner determines the patentability of an invention as claimed with all its limitations, "[i]t is improper to delete explicit limitations from the claim in order to find the residue in the prior art. *In re Schreiber*, 44 USPQ2d 1429,1434 (Fed. Cir. 1997)."

The examiner's interpretation deletes the explicit limitation of "extending outwardly from" and replaces it with "extending outwardly through" which has a different meaning. The term "from" designates "a source of origin" with the origin being the inner wall of the cabinet. Exhibit B. The *Pesta et al.* bolt does not extend from an inner wall. The *Pesta et al.* bolt extends through a bolt hole into another hole in the seat frame. Col. 2, l. 46-50. The term "through" designates "in at one end, side or surface and out the other" such as the bolt extending through the bolt hole. Exhibit C. The bolt's source of origin is either the hole or the bolt itself, with the bolt's shank extending from the head of the bolt, not an inner wall of the cabinet.

The examiner rejected claim 16 as anticipated by *Bush et al.*, U.S. Pat. No. 6,199,948 under Section 102(b). The examiner restated structures from his previous

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Office Action relating to Fig. 15. The examiner stated that bin-like module receiver 20 is a support column. The examiner also stated that the multiple tongues 82 extend outwardly from the cabinet inner wall.

Claim 16 is not anticipated by *Bush et al.* As discussed above and previously and is incorporated herein by reference, bin-like module receiver 20 is not column-like and therefore is not a support column as found in claim 16.

Claim 16 as amended further recites: "multiple rectangular receivers attaching directly to the support column" and "multiple rectangular tongues extending outwardly from the cabinet inner wall". In Fig. 15, *Bush et al.* teaches that the tongues 82 are extending outwardly from the top of the cabinet, not from the inner wall as found in claim 16. To move the tongues from the inner wall to the top of the cabinet, as the examiner has, replaces the explicit limitation "tongues extending outwardly from the inner wall" with "tongues extending outwardly from the cabinet top" and deletes entirely the explicit limitation of "an inner wall of the cabinet opposite the outer wall". As shown in Fig. 15 of *Bush et al.*, the cabinet top is not located opposite the outer wall as taught recited in claim 16.

Claim 16 as amended also recites "wherein the tongues extend horizontally when the seat back is in an upright position." *Bush et al.* teaches that the tongues extend vertically when the seat back is in an upright position.

Because *Bush et al.* does not disclose all of the limitations of claim 16, *Bush et al.* does not anticipate claim 16.

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The examiner has also rejected claim 16 as anticipated by *Pesta et al.*, U.S. Pat. No. 6,131,993 under Section 102(b). The examiner stated that *Pesta et al.* discloses multiple tongues extending outwardly from the cabinet wall.

*Pesta et al.* does not disclose all of the limitations of claim 16, and does not anticipate claim 16. As discussed above, *Pesta et al.* teaches the use of threaded bolts extending through holes in the top of the cabinet near the handle 28, not a structure like a tongue extending outwardly with an origin of the inner wall of the cabinet. The examiner's interpretation effectively replaces the limitation of "multiple rectangular tongues extending outwardly from the cabinet inner wall" with "multiple rectangular tongues extending outwardly through the cabinet. In addition, the receivers and tongues are rectangular as recited in amended claim 16, while the bolt and bolt hole are circular.

Assuming as the examiner contends the *Pesta et al.* central panel portion 40 is analogous to the applicant's inner wall, the bolts do not extend through the central panel portion 40. Figs. The bolts extend through the upper wall portion 28 of the perimeter wall. Col. 2, l. 67-col. 3, l. 1-17.

Because *Pesta et al.* does not disclose all of the limitations of claim 16, *Pesta et al.* does not anticipate claim 16.

The examiner rejected claims 6-8 under Section 103 as unpatentable over *Pesta et al.* The examiner stated that *Pesta et al.* discloses all the limitations of claim 6, except for welding the tabs to the seat frame. The examiner also stated that numeral 60 referred to partitions, yet for claim 7 stated that numeral 60 was an exterior

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compartment attached to the outer wall.

Claim 6 is not rendered obvious by *Pesta et al.* Claim 6 as amended recites "multiple tabs extending outwardly from the cabinet inner wall and being welded to the seat frame within the seat back". By contrast, *Pesta et al.* teaches that the cabinet is fastened to the seat frame with threaded bolts extending *through* holes in the cabinet upper perimeter wall 28 and into threaded holes in the seat frame, not from the cabinet inner wall. Col. 2, l. 46-50. *Pesta et al.* requires not just the bolts to attach to the top cross member of the seat back, but hook 19 on the panel 20 fits onto lower cross member 17. Col. 2, l. 48-52. Without both the bolts and the hook, the panel 20 cannot be safely attached.

Claim 6 as amended also recites "horizontal and vertical partitions within the cabinet interior" and "a storage compartment in the cabinet interior being defined by at least two intersecting vertical partitions, the outer wall, one of the cabinet sidewalls, and one of the horizontal partitions being located between the outer wall and one of the vertical partitions". *Pesta et al.* does not enclose any partitions within the cabinet interior, let alone both horizontal and vertical partitions within the cabinet interior. *Pesta et al.*'s number 60 is a hook on the exterior, not a partition in the cabinet interior. In addition, *Pesta et al.* does not teach at least two intersecting vertical partitions within the cabinet interior, much less a storage compartment within the cabinet interior defined by at least two intersecting vertical partitions and one of the horizontal partitions being located between the outer wall and one of the vertical partitions.

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Claim 6 as amended, as well as claim 8 based on its dependency on claim 6, are not rendered obvious by *Pesta et al.* and are thought allowable. The examiner's proposed combination fails to recite every limitation of claim 6 as amended.

For the reasons stated above for claim 6, claim 7 is not rendered obvious by *Pesta et al.* as discussed by the examiner. Regarding claim 7, the examiner has stated that *Pesta et al.*'s 60 is an exterior compartment. Numeral 60, however, refers to a hook that is formed as a part of the lower portion of the perimeter wall of seat back panel 20, not an exterior compartment attaching to the outer wall (which the examiner stated is 80) as recited by claim 7 and taught by the applicant's disclosure. Col. 3, l. 31-32; Fig. 1. A compartment is a separate room, section or space partitioned off. Exhibit D. A hook formed on the cabinet is not a compartment as disclosed by the applicant.

Claim 7 is not thus rendered obvious by *Pesta et al.* and is thought allowable.

The examiner rejected claims 17-19 under Section 103 as unpatentable over *Bush et al.* in view of *Bohnett*. The examiner stated that it would be obvious to one of ordinary skill in the art to add the slots and removable partitions of *Bohnett* to the cabinet of *Bush et al.*

The examiner's proposed combination does not meet all the terms of amended claim 17. Claim 17 as amended has all the limitations previously discussed above for claim 16. In addition, claim 17 recites "a storage compartment in the cabinet interior being defined by intersecting vertical partitions, the outer wall, and a horizontal partition being located between the outer wall and one of the vertical partitions". There is nothing in the examiner's proposed combination that discloses these limitations.

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*Bohnett* discloses removable parallel vertical partitions. *Bush et al.* does not disclose moveable partitions and slots.

In addition, neither reference discloses "multiple rectangular receivers attaching directly to the support column", "multiple rectangular tongues extending outwardly from the cabinet inner wall" and "the tongues extend horizontally when the seat back is in an upright position". As discussed above, *Bush et al.* teaches that the tongues extend vertically from the top of the cabinet, not the inner wall when the seat back is upright.

Because the examiner's proposed combination fails to recite every limitation of claim 17 as amended, claim 17, as well as dependent claims 18-19, are not rendered obvious by *Bush et al.* in view of *Bohnett* and are thought allowable. .

The examiner rejected claim 15 under Section 103 as unpatentable over *Pesta et al.* in view of *Bush et al.* in view of *Bohnett*. The examiner stated that is would be obvious to one of ordinary skill in the art to substitute the cabinet of *Bush et al.* having the slots and removable partitions of *Bohnett* for the *Pesta et al.* cabinet as applied to claim 6.

The examiner fails to disclose to the applicant how exactly, the *Bush et al.* cabinet is supposed to engage the *Pesta et al.* panel 20. The applicant is not expected to speculate how this structure is supposed to be assembled.

As discussed previously, the *Bush et al.* cabinet has tabs that extend from the cabinet top to engage a module receiver engaging the seat back. The *Pesta et al.* cabinet is a pocket formed between a membranous outer wall 80 and central panel portion 40. The *Bush et al.* tabs cannot engage the top of the *Pesta et al.* panel 20, as



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there is no module receiver as taught by *Bush et al.* nor any kind of structure remotely resembling a module receiver. If the *Bush et al.* cabinet is supposed to connect to the seat back frame with the bolts, as taught by *Pesta et al.*, there is no structure in the *Bush et al.* cabinet corresponding with the upper perimeter wall 28 through which the bolts extend outside of the cabinet or pocket formed by the inner and outer walls to attach the panel as is taught by *Pesta et al.* There is no structure in *Bush et al.* corresponding to hook 19 which, along with the bolts, is required by *Pesta et al.* to attach panel 20 to the seat back.

The large cabinet disclosed by *Bush et al.* would be dangerous in an accident without being properly secured to the seat back at both the top and bottom. Yet, the examiner would have the *Bush et al.* cabinet explicitly designed to be secured to a *Bush et al.* module receiver 20 to be secured somehow to the *Pesta et al.* panel and seat back. If the cabinet is improperly secured, it could come flying off the seat back in an accident injuring passengers.

For the reasons stated above for claim 6, claim 15 is not rendered obvious by *Pesta et al.* in view of *Bush et al.* In view of *Bohnett*. Claim 15 recites all the limitations of claim 6 as well as: "slots in one of the walls of the cabinet" and "wherein at least one partition is removable and engages at least one slot". By contrast, *Bush et al.* recites a module receiver 20 attached to a seat frame with multiple tabs extending from the cabinet top to engage the module receiver, while *Bohnett* discloses removable partitions in slots.

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Claim 15 also recites: "multiple tabs extending outwardly from the cabinet inner wall and being welded to the seat frame within the seat back". The examiner's proposed combination has multiple tabs either extending through the cabinet or *Pesta et al.* panel, not extending outwardly from the cabinet inner wall. Claim 15 further recites: "horizontal and vertical partitions within the cabinet interior" and "a storage compartment in the cabinet interior being defined by at least two intersecting vertical partitions, the outer wall, one of the cabinet sidewalls, and one of the horizontal partitions being located between the outer wall and one of the vertical partitions". *Pesta et al.* does not enclose any partitions within the cabinet interior or pocket, let alone substituting a large cabinet for its pocket having both horizontal and vertical partitions within the cabinet interior.

Because the examiner's proposed combination fails to disclose all the limitations of claim 15, claim 15 is not rendered obvious by *Pesta et al.* In view of *Bush et al.* in view of *Bohnett* and is thought allowable.

New claims 20-21 more completely cover certain aspects of the invention. In particular, claims 20-21 recite an embodiment with additional storage compartments within the cabinet incorporating both vertical and horizontal partitions within the cabinet interior. In addition to setting forth structure that was shown above to comply with Section 112 and to distinguish from *Pesta et al.*, the quoted language also distinguishes from *Bohnett* (and from the combination of *Bush et al.* and *Bohnett*). Support for claims 20-21 is found in the specification. Allowance of claims 20-21 is thus believed warranted.

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New claims 22-23 more completely cover certain aspects of the invention. In particular, claims 22-23 recite an embodiment with additional storage compartments within the cabinet incorporating both vertical and horizontal partitions within the cabinet interior. In addition to setting forth structure that was shown above to comply with Section 112 and to distinguish from *Pesta et al.* and *Bush et al.*, the quoted language also distinguishes from *Bohnett* (and from the combination of *Bush et al.* and *Bohnett*). Support for claims 22-23 is found in the specification. Allowance of claims 22-23 is thus believed warranted. 23 are added.22-23

The prior art made of record and not relied upon is not considered pertinent to Applicant's disclosure.

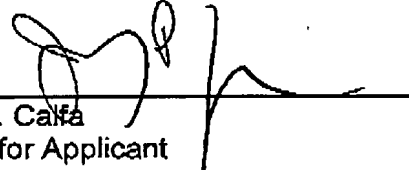
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**CONCLUSION**

Applicant believes the Claims as amended are in condition for allowance and respectfully requests favorable action by the examiner.

Respectfully submitted,

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**CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8**

I hereby certify that this **AMENDMENT** is being facsimile transmitted to the Patent and Trademark Office on or before 11/27/07 to (571) 273-8300.

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